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United States District Court

NORTHERN DISTRICT OF WEST VIRGINIA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

The premises to be searched is located at Wheeling Jesuit University, 316 Washington Avenue, Wheeling, West Virginia 26003 and is specifically identified as the Robert C. Byrd National Technology Transfer Center (NTTC).

SEARCH WARRANT

CASE NUMBER:

5:12 mj 3

TO: Special Agent Kenneth Omar Colón and any Authorized Officer of the United States

Affidavit(s) having been made before me by Special Agent Kenneth Omar Colón who has reason to

Affiant

believe that / / on the person of or /X / on the property or premises known as (name, description and/or location)

The premises to be searched is located at Wheeling Jesuit University, 316 Washington Avenue, Wheeling, West Virginia 26003 and is specifically identified as the Robert C. Byrd National Technology Transfer Center (NTTC)

in the Northern District of West Virginia there is now
concealed a certain person or property, namely (describe the person or property)

SEE ATTACHED LIST OF ITEMS TO BE SEIZED

I am satisfied that the affidavit(s) and any recorded testimony established probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before (give them 10 days from current date)
Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making this search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause ~~has been established~~) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to James E. Seiberli as required by law

U.S. Judge or Magistrate

February 13, 2012

Date

at

Wheeling WV

City and State

James E Seiberli USMg

Name and Title of Judicial Officer

James E Seiberli

Signature of Judicial Officer

AO 93 (Rev. 8/98) Search Warrant (Reverse)

RETURN		CASE NUMBER:
Date Warrant Received	Date and Time Warrant Executed	Copy of Warrant and Receipt for Items Left with
Inventory Made in the Presence of		
Inventory of Person or Property Taken Pursuant to the Warrant		
CERTIFICATION		
<p>I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.</p> <p style="text-align: center;">_____</p> <p>Subscribed, sworn to, and returned before me this date.</p> <p style="text-align: center;"> _____ U.S. Judge or Magistrate </p> <p style="text-align: center;"> _____ Date </p>		

ATTACHMENT B1

ITEMS TO BE SEIZED

at the

Robert C. Byrd National Technology Transfer Center (NTTC)

The term "records" and "information" include, but are not limited to, those records in paper and digital or electronic format stored on computer systems, computer networks, computer network servers, computer storage devices such as external hard drives either connected or disconnected to a computer, laptop computers, mobile devices including but not limited to iPads (or similar devices), "smart phones" and other types of mobile devices capable of being used to store and share electronic information and communications, computer tapes such as those used for backing up or archiving on-line computer records, and any records to which a computer systems or network administrator would normally have immediate access. The intent is to do mirror images of the computers and servers on-site. If, upon arriving at the scene, the agents executing the search conclude that it would be impractical to do mirror images of the computers and servers on-site, the agents will seize the computer hardware (and associated peripherals) that are believed to contain some or all of the evidence described in the warrant, and make mirror images and/or copies of the computer hard drives at an off-site location.

Bank and other financial records from Wheeling Jesuit University (WJU) that contain Federal grant or cooperative agreement funds from 2005 to present.

The email contents for Davitt McAteer, Deborah Roberts, Tricia Lollini, and Sandy Linsky on the email servers for the NTTC.edu domain under the following two IP addresses:
198.252.172.18 (mx.nttc.edu; NTTC, Wheeling, WV)
208.44.187.19 (mx.nttc.edu; NTTC, Wheeling, WV)

Imaging of computers including any and all desktop computers whether stand alone or networked, laptop computers, external hard drives and or mobile devices found in the search premises particularly but not necessarily limited to those utilized by Davitt McAteer, Deborah Roberts, Tricia Lollini, and Sandy Linsky.

Any and all records pertaining to time spent on Federal awards and submitted to the SPO and/or McAteer & Associates, including but not necessarily limited to, timesheets, calendars of events, schedules, contracts, agreements, time cards including but not necessarily limited to Davitt McAteer, Deborah Roberts, Tricia Lollini, and Sandy Linsky. This includes billing records at the law office of McAteer & Associates clients from 2005 - 2011.

Any and all WJU and SPO records pertaining to grant expenses used to pay for travel vouchers and receipts including but not necessarily limited to those related to Davitt McAteer, Deborah Roberts, Tricia Lollini, and Sandy Linsky.

Any and all records pertaining to employment at WJU and McAteer & Associates for: Davitt McAteer, Deborah Roberts, Tricia Lollini, and Sandy Linsky. The records should include but not be limited to contract agreements, notes, and minutes.

All minutes and notes from the WJU Board of Director meetings that include any data and records relating to the SPO from 2005 to present.

Employment contracts with WJU for all WJU Professors who worked on any Federal grants or cooperative agreements managed under the SPO.

Any files, data, and/or records relating to outside contracts and/or agreements for rent space of the NTTC and the CET buildings.

Any and all records related to and/or documenting how WJU treated the F&A expenses and the expenses from Davitt McAteer, Deborah Roberts, Tricia Lollini, and Sandy Linsky and the Combined Management Cost Service center.